

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: OCTOBER 17, 2007**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER

☐ Consent ☒ Discussion

**SUBJECT:**

SPECIAL USE PERMIT

SUP-23559 - PUBLIC HEARING - APPLICANT/OWNER: GEORGE R AND LORI M COLE – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED HORSE CORRAL OR STABLE (COMMERCIAL) situated on 1.2 acres at 5701 Mello Avenue (APN 125-24-302-007), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (4-2 vote) and staff recommend DENIAL

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.

24

City Council Meeting

62

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

3

City Council Meeting

6

**RECOMMENDATION:**

The Planning Commission (4-2 vote) and staff recommend DENIAL.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal letter filed by Lori Cole
7. Protest postcards
8. Submitted after final agenda - Protest/support postcards and protest letters
9. Submitted at meeting – Realty flyer by Earl Perry
10. Submitted after meeting – Protest letters from Dennis and Sylvia Banto and Celine Green, protest petition with 47 signatures and two certificates by Celine Green
11. Backup referenced from the 09-13-07 Planning Commission Meeting Item 50

Motion made by STEVEN D. ROSS to Approve subject to conditions and adding the following condition as read for the record:

A. There shall be an administrative six-month review.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,  
 GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);  
 (Did Not Vote-None); (Excused-None)

**CITY COUNCIL MEETING OF: OCTOBER 17, 2007**

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

GEORGE AND LORI COLE, 5701 Mello Avenue, appeared and MR. COLE stated that at the Planning meeting, they believed some of the discussion was misleading. The closest point of the corrals to the wells is 91 feet, and the closest neighbor is an additional five feet. MS. COLE added that she did not obtain information from neighbors who either supported or opposed their request, as some other neighbors board horses and that is the general make-up of the neighborhood. She pointed out that because of their request, the commercial license is required and believes that the residents do not fully understand that they are not requesting a zone change. MR. COLE noted that they only wanted a request for six horses; staff suggested they request eight since that is the limit. They now feel that that may have played a part in the opposition.

SELENE GREEN, 5700 Mello Avenue, stated she has a special needs student who rides horses once every two weeks. She expressed a concern that once a variance is granted, a precedent could be set, which can lead up to automatic rezoning of the area. She owns two-and-a-half acres and has three horses; the applicants are requesting eight horses on a one-acre parcel. She also was concerned with traffic, manure and clean-up of the area.

MAUREEN LYNN, 5501 MELLO, asked how many dumpsters would be needed to facilitate the horses' waste. She also was concerned with being able to get in and out of her driveway.

PAULA HUTCHINSON, 5704 Anno Drive, owns two horses. She commended the applicants on their beautiful structure. However, she questioned the number of horses desired and the possibility of their request becoming a commercial venture. She pointed out issues with regards to single dwelling private water well as well as the disposal of the animal waste and flies. She supports the area remaining a rural area.

HAROLD PERRY, 5850 Mello, stated the horse corrals were put up and now the applicants' house is up for sale. He believes the applicants are deceptive and asked for denial.

MRS. COLE replied that after they were denied, their house was put up for sale temporarily. They were in a position to board the horses, sell or lose the home but do not feel that it is anyone's business when they did so. She added that they would take their home off the market if their request was approved. She asked for clarification as to how many horses they are allowed to have per Code.

MARGO WHEELER, Director of Planning and Development, clarified that the Code allows up to eight horses with this type of application. She pointed out that staff will advise an applicant to apply for the maximum of what they desire to have.

MRS. COLE commented that an individual can exit off of Mello Avenue onto Jones Boulevard making a left hand turn. She does not see a problem with the dumpsters, as trash is picked up once a week. She is willing to reduce their request back to six horses. Regarding the flies, she

**CITY COUNCIL MEETING OF: OCTOBER 17, 2007**

rebutted by stating other residences have horses and do not see a problem with flies. She also stated that a resident, MS. LYNN, has a gun shop business, and MS. GREEN has her horse business. MS. WHEELER explained to MAYOR GOODMAN that the issue is that the applicants wish to do it for a fee, thus it requires a special use permit.

COUNCILMAN ROSS agreed that it is the applicants' business if they want to sell their home. He, too, lives on horse property and has a corral and the comments/issues made is to be expected in this type of community. There is nothing on the County records with regards to wells. In conversations with the Southern Nevada Water Authority, they support having horses/cattle/sheep out in these areas, as it aerates and breaks the dirt up, as well as keeps the natural flow when it rains. He referred to MR. PERRY and informed him that the request does not change the zoning; it will remain Residence Estates (RE). He commended the COLES for coming in and doing the process the correct way, as there are many individuals who continue to disregard the Code. He has visited the subject site, as there is plenty of room on site and complimented the beauty of their corrals which can accommodate their request. He reiterated their request is to allow commercial horse boarding only, and the subject neighborhood has more problems on Mello Avenue than what has been commented on. He fully supported the COLES with a six-month review. He encouraged those in attendance and residents to provide feedback to him and work with the applicants. MS. WHEELER clarified the six-month review would be an administrative review.

MAYOR GOODMAN declared the Public Hearing closed.

